IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1277 OF 2006

IN

SECOND APPEAL (ST) NO. 33069 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Orders	Court's or Judge's Orders

A.R. Patil, AGP for appellants.
Shri Swadi for the respondents.

CORAM: S.B. DESHMUKH, J.

September 28, 2006.

P.C. :

1. Heard the learned AGP as well as for Respondent nos.(A), (B) and (C).

2. This application is moved on behalf of state and its authorities seeking condonation of delay of about 281 days caused in filing of First Appeal in this court. In paragraph 3, various

dates commencing from April 24, 2006 giving the list from the date of the passing of the judgment and decree in R.C.A. No. 45 of 2000. In paragraph 4 of the application, it is stated that the delay on the part of the office of the learned AGP, Sindhudurg, Oras for applying certified copy of the judgment and decree and forwarding to the department concerned and cause is the pressure of work. It is also stated in paragraph 4 that in Sindhudurg district only one District G.P. is present and there are three courts situated in the district headquarter, Sindhudurg. According to the applicants, during the relevant period, on account of election, government servants were requisitioned by the election authorities. On account of this reasons delay of about 281 days is caused. The learned counsel for the respondent, has pointed out that the actual delay is not mentioned in

paragraph 3 of the Civil Application. I have perused the prayer clause 6(b) of the Civil application wherein the figure of delay in terms of years/months/days is left blank.

3. Having heard the learned counsel for the parties, in my view delay is properly explained and bonafide. Only on the ground that the delay caused is not quantified in prayer clause, the application filed on behalf of the applicant cannot be turned out.

4. In the result, Civil application is allowed and the delay is condoned. Civil Application is accordingly allowed and disposed off.

sd/-

(JUDGE)